NO 90-541

Supreme Court, U.S.
FILED
MAY 18 1990
JOSEPH F. SPANIOL, JR.
CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM 1989

LONNIE B. RUPERT

PETITIONER

V.

MACON W. GRAVLEE, JR;

LADRUE D. GRAVLEE,

NELL B. GRAVLEE,

RESPONDANT.

PETITION FOR WRIT OF CERTIORARI

TO THE UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT 56 FORSYTH STREET N. W. ATLANTA, GEORGIA 30303

PETITION FOR WRIT OF CERTIORARI

LONNIE B. RUPERT, PETITIONER

212 9TH STREET N. W.

FAYETTE, ALABAMA 35555

(205) 932 - 7228)

(PRO SE)

EDITOR'S NOTE

THE FOLLOWING PAGES WERE POOR HARD COPY AT THE TIME OF FILMING. IF AND WHEN A BETTER COPY CAN BE OBTAINED, A NEW FICHE WILL BE ISSUED.

QUESTION PRESENTED FOR REVIEW

1. Was the 24th Judicial Circuit Court of Fayette County, Fayette, Alabama 35555 in violation of the Plaintiff Lonnie B. Rupert United States Constitutional Rights Guaranteed made applicable by the 14th, Amendment?
2. Was Attorney of Record protecting Plaintiff Lonnie B. Rupert U.S. Constitutional Rights in his Motions and in not showing an appearence before the Supreme Court of Alabama, the U.S. District Court or the Eleventh Circuit Court of Appeals?
3. What is the Law for selling mortgage property in the State of Alabama when the seller Co-sign the mortgage with buyer and resell to an atverse party?
4. Did the defendant Macon W. Gravlee,Jr; Breach the agreement of the mortgage according to Lonnie B. Rupert deed and the mortgage note?

IN THE UNITED STATES SUPREME COURT
OFFICE OF THE CLERK
WASHINGTON, D. C. 20543
OCTOBER TERM 1989

LONNIE B. RUPERT Petitioner VS. MACON W. GRAVLEE,JR; LADRUE D.GRAVLEE, NELL B.GRAVLEE, RESPONDANT

To the Clerk, The typed corrections has been made, the typed copy's of ORDER'S of the Court's below, could not be typed is because a RIBBON on the typewriter had to be replaced the 30th dayof JULY, 1990., New and Proper Copy's have been typed and promptly Substituted and attached to the Petition for writ of CERTIORARI, which was returned today the 30th dayof JULY, 1990.

1. A copy of this court's Clerk request of JUNE 26, 1990, is included.
2. Copy of this Court's Clerk request of July 12, 1990, is included.
3. A copy of an Order from the Circuit Court of Fayette County, Alabama is included in which Petitioner did not receive an Order dated FEBRUARY 16, 1990 on the following Monday,after Petitioner received the Order

dated JULY 6, 1990 He called the Clerk's Office and asked why the Order of February 16, 1990; was not in the letter, A Lady told the Petitioner she did not understand why the Order of February 16, 1990; was not in the letter; nor did she say she would Mail one or that Petitioner could stop by the Clerk's Office and get one, Petitioner has not received no Order of February 16, 1990,. as of this date of mailing, nor has Petitioner's Attorney of Record informed Him that He received one.

4. A copy of a letter from petitioner's Attorney of Record dated July 23, 1990; and a document by petitioner is included dated 25 dayof July 1990.

5. Petitioner,s appendix and certificate of service is included.

Petitioner's Appendix
includes all the Orders an opinions of the
Court's below. Others in the record.

Certificate of service of Document
in Question

1. Petitioner's Attorney of Record John H. England, JR;
whoes Address is 2616 8th Street, Tuscaloosa,
Alabama 35401 with return receipt requested.

Done this 9 dayof AUGUST 1990.

IN THE SUPREME COURT OF THE

UNITED STATES

WASHINGTON, D.C. 20543

CASE NO.

OCTOBER TERM, 1989

LONNIE B. RUPERT, PETITIONER

VS.

MACON W. GRAVLEE, JR.; LADRUE D. GRAVLEE,

NELL B. GRAVLEE, RESPONDENT

U.S. COURT OF APPEALS ELEVENTH CIRCUIT

NO. 89.7776. U.S. DISTRICT COURT NO.

88-P-2066-S. SUPREME COURT OF ALABAMA NO.

CV-88-1050. COURT OF CIVIL APPEALS STATE

OF ALABAMA. RE: CIV. 6992. CIRCUIT COURT OF

FAYETTE COUNTY, FAYETTE, ALABAMA.

CV-84-050.

PETITION FOR WRIT OF CERTIORARI TO THE

UNITED STATES COURT OF APPEALS FOR THE

ELEVENTH CIRCUIT

Petitioner Lonnie B. Rupert respectfully prays a writ of certiorari issue to review the judgment and opinion of the U.S. Court of Appeals for the Eleventh Circuit and the

above styled courts.

JURISDICTIONAL STATEMENT

The Court of Appeals Eleventh Circuit opinion dated 1-25-90. Dismissed the appeal to the U. S. District Court 10-10-89 asked by petitioner from an order of the Supreme Court of Alabama, 9-6-89. See: The petition asked for rehearing by petitioner on the 1-30-90, now attached; The order of the U.S. Court of Appeals Eleventh Circuit denied 4-17-90, now attached. See: Petitioner appeal to the Supreme Court of Civil Appeals of Alabama filed 9-25-89. Was sent to the U.S. Supreme Court. All copies were returned. See: Petitioner appeal to the U.S. District Court. If court request, will send originals. A copy of a document to the U.S. Court of Appeals by the U.S. District Court and a copy of the Eleventh Circuit Court order memorandum to counsels or parties 10-30-89, is attached. Pursuant to 28 U.S.C. 2403 may be applicable and shall be served upon the solicitor

General Department of Justice, Washington, D.C. 20530. As defined by 28 U.S.C. 451. Petitioner does not know whether or not any such court pursuant to 28 U.S.C. 2403 has certified to the Attorney General the fact that the constitutionality of such act of Congress was drawn in question as defined by 28 U.S.C. 451. Petitioner does not know whether or not any such court pursuant to 28 U.S.C. 2403 has certified to the State Attorney General the fact that the constitutionality of such statute of the state was drawn in question.

Petitioner attorney of record may enter an appearance, the petitioner is paying the docket fee; and file in petitioner behalf if he is protecting the constitutional rights of petitioner, with proof of service as prescribed by Rule 28, 40 copies of a printed statement as to jurisdiction.

Grounds on which the jurisdiction of this court is invoked is as follows;

1. The grounds stated in the motion for rehearing on the 1-30-90, to the U.S. Court of Appeals Eleventh Circuit.
2. Petitioner believe that his constitutional rights have been violated, the first amendment and maybe the six amendment and section one of the 14th fourteenth amendment to the U.S. Constitution.
3. The time of filing this petition for certiorari all courts below have fail to subpoena Mitchum Construction & Engineering Co., Inc., Northport, Alabama 35476.
4. Petitioner believe the U.S. District Court may have abuse its discretion by denying petitioners injunction and a motion for reinstatement of injunction. See: Ground 18 in a petition filed in the Supreme Court of Civil Appeals of Alabama 9-25-89, all grounds should be considered. The Circuit Court refused a jury trial; Petitioner demanded a jury trial; and

amendment (7) seven maybe applicable by the fourteenth amendment section (1) one to the u. s. Constitution. See: U.S. vs. Corrick 298 U.S. 435 (1936). Mayo v. Lakeland Highlands Canning Co. 309 U.S. 310 (1940). Petitioners orders from Courts below is now attached.

5. Breach of agreement; Breach of warranty by the defendants was on March 20, 1980, as shown by the petitioners deed to the courts below. petitioner should be entitled to enjoy his property as shown in his deed. His deed shows the intention and purpose of the grantors and petitioner should be awarded damages. The Consumer Credit Protection Act of 1968 often called The Truth in Lending Act protects persons who borrow money and buy on credit. The Department of Justice prosecutes violators of Consumer protection Laws.

IN THE SUPREME COURT OF THE UNITED STATES

WASHINGTON, D.C. 20543

OCTOBER TERM 1989

LONNIE B. RUPERT, PETITIONER VS.MACON W. GRAVLEE, Jr; LADRUE D. GRAVLEE, NELL B. GRAVLEE, RESPONDANT

To be attached to Petition For Writ Of Certiorari to the UNITED STATES COURT OF APPEALS For The ELEVENTH CIRCUIT This is a showing to the Court that a Copy of a letter from Attorney of Record was not given to Petitioner until after the filing of Petition for WRIT OF CERTIORARI Petitioner has shown the Court that He is paying the Docketing fees and for Attorney of Record to enter an appearance. Attorney of Record should pay for Admission to the Bar and Certificate under Seal, $100. and Costs of Preparing His Docketments and mailing before the UNITED STATES SUPREME COURT.

CERTIFICATE OF SERVICE OF DOCUMENT IN QUESTION

1. Petitioners Attorney of Record JOHN H. ENGLAND, JR; whoes Address is 2616 8th Street, Tuscaloosa, Alabama 35401 with return receipt requested.

Done this 25 day of July, 1990.,

Lonnie Rupert

PETITIONER Signature

ENGLAND & BIVENS, P.C.
Attorneys at law
2616 8th Street
Tuscaloosa, Alabama 35401

July 23, 1990

John H.England , Jr.
John A. Bivens

TELEPHONE
(205) 759-5401

Mr. Lonnie Rupert
212 9th ST N W
Fayette, AL 35555

RE:: LONNIE B. RUPERT, Petitioner VS.
MACON W. GRAVLEE, JR.; LADRUE D. GRAVLEE,
NELL B. BROWNLEE, Respondeent

Dear Rupert:

I have received a copy of your Petition for Writ of Certiorari. I could not tell from this document what you want my office to do. As I am sure,you are aware I have received copies of a number of Pleadings which you have filed , but I am not certain as to what I cauld do at this point to assist you .

I look forward to hearing from you so that I can better understand what is occuring in your case.

Sincerely,

John H.England, Jr.

JHE:ls

April 17, 1990

Lonnie Bellmer Rupert /P
212 9th Street, N. W.
Fayette, AL 35555

RE: 89-7776 Rupert v. Gravlee
DIST. CT. NO.-88-02066 CV-P-S

cc: Charles T. Cliver
Allen Grocholski/E

Miguel J. Cortez
Clerk

United States Court of Appeals

Eleventh Circuit
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

April 17, 1990

In Replying Give Number
Of Case And Names of Parties

MEMORANDUM YO ADDRESSEES:

RE: 89-7776 Rupert v. Gravlee
DC DKT NO.: 88-02066 CV-P-S

The following action has been taken in the refereced case:

* The enclosed order has been ENTERED.

Sincerely,

MIGUEL J. CORTEZ,
Clerk

Reply To: Henrietta Barnes (404) 331-6147

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

NO.89-7776

Filed
U.S. COURT OF APPEALS
ELEVENTH CIRCUIT

APR 17 1990

MIGUEL J. CORTEZ
CLERK

LONNIE BELLMER RUPERT,

Plaintiff-Appellant,

Versus

MACON W. GRAVLEE, JR.;
LADRUE D. GRAVLEE;
NELL B. GRAVLEE,

Defendants- Appellees.

Appeal from the United States District Court for
Northern District of Alabama

Before KRAVITCH, HATCHETT and COX, Circuit Judges.

BY THE COURT:

Appellant's motion for rehearing of this Court's order of January 25, 1990, dismissing his appeal for lack of jurisdiction is denied.

Miguel J. Cortez
Clerk

UNITED STATES COURT
OF APPEALS Eleventh Circuit
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

January 25, 1990

Mr. Charles T. Cliver, Clerk
U.S. District Court
140 Federal Courthouse
5th Avenue, North
Birmingham, AL 35203

In Replying GIVE
Number of Case
And Names of parties:

NO. 89-7776 - LONNIE BELLMER RUPERT v. MACON W. GRAVLEE, JR.,et al .

DC#CV-88-P-2066-S

Dear Mr. Cliver:

Enclosed is a certified copy of this courts order dismissing the above -styled case. The order is issued as and for the mandate.

Kindly acknowledge receipt on the enclosed copy of this letter.

Sincerely,

MIGUEL J. CORTEZ,
CLERK

by ----------
Deputy Clerk

/hwb
Enclosure
cc: Mr. Lonnie Bellmer Rupert, Pro se
Allen Grocholski,Esquire

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No.89-7776

Filed U.S.
COURT OF APPEALS
ELEVENTH CIRCUIT
JAN 25 1990

MIGUEL J. CORTEZ
CLERK

LONNIE BELLMER RUPERT.,

Plaintiff-Appellant;

versus

MACON W. GRAVLEE, JR..

LADRUE D. GRAVLEE;

NELL B. GRAVLEE, Defendants-Appellees.

Appeal from the united States District Court for the Northern District of Alabama

Before KRAVITCH,HATCHETT, and COX, Circuit Judges.

BY THE COURT:

The appeal is dismissed for lack of jurisdictionbe because the notice of appeal was untimely. Fed.R.App.P. 4 a 1;Campbell v. Wainwright, 726 F.2d 702 703 11th Cir. 1984 .

October 30, 1989

Lonnie Bellmer Rupert /p

212 9th Street, N.W.

Fayette, AL 35555

RE: 89-7776 Rupert v. Gravlee

DIST. CT. NO.-88-02066 CV-P-S

cc: Charles T. Cliver

Allen Grocholski; /E

UNITED STATES COURT OF APPEALS

Eleventh Circuit

56 Forsyth Street, N.W.

Atlanta, Georgia 30303

October 30, 1989 In Replying Give Number of Case and names of parties

Miguel J. Cortez, Clerk

MEMORANDUM TO COUNSEL OR PARTIES:

RE: 89-7776 Rupert v. Gravlee,

DCDKT NO. 88-066 CV-P-S

NOTICE OF APPEALS FILED: OCTOBER 10, 1989

The referenced case has been docketed in this court..After review of the district court docket entries, order and/or judgment appealed from, and the notice of appeal, it appears that this court may lack jurisdiction, this appeal will be dismissed.

The parties are requested to simultaneously advise the court in writing within fourteen days from the date of this letter of their position regarding the jurisdictional questions set forth on the attached page. An original plus three copies of any response should be filed. Please do not address any other issues on appeal at this time. After fourteen days, this court will consider any responses received and any portion of the record that may be required to resolve the jurisdictional issues. If a transcript has been ordered See Fed.R. App.P. 10b. It is appellant,s responsibility to make arrangements with .

the court reporter to postpone the preparation of the transcript pending a determination of the jurisdictional issues, if this is desired. The parties will be advised by this office of the courts determination and of any further actions which may be required.

Counsel participating in this appeal should complete and return the enclosed appearance form within fourteen 14 days. 11th Cir.R.46.1 . Only counsel who enter an ap appearance will be noted on the docket. Persons appearing pro se need not file an appearance form.

Sincerely,

MIGUEL J. CORTEZ, Cl
Clerk

Reply to: Henrietta Barnes
404 331 -6147

JUR-1 4/89

NO. 89-7776

JURISDICTIONAL QUESTIONS

Whether the notice of appeal was untimely because filed more than 30 days after entry of final judgment? ... ..

Fed. R.App.P.4 a 1 .

Final judgment entered on docket: March 3, 1989

Notice of appeal filed: OCTOBER 10, 1989

UNITED STATES DISTRICT COURT
office of the CLERK
NORTHERN DISTRICT of ALABAMA

FEDERAL COURTHOUSE·

BIRMINGHAM, ALABAMA.

OCTOBER 18, 1989

Charles T. Cliver

Clerk

Mr. Miguel J., Clerk

U.S. Court of Appeals, 11th Circuit SO Spring Street SW.

Atlanta, Georgia 30303-3147 U.S.D.C. NO. CV-88-P-2066-S

U.S.C.A. No.

IN RE, Lonnie B. Rupert VS. Macon Gravlee, Jr.,ET AL

Inclosed are documents regardingan appeal in this matter. Please acknowledge receipt on the enclosed copy of this letter. xxx Certified copy of Notice of Appeal. docket entries and Judgment /Order and Opinion appealed from enclosed. Please check box is Judgment/ Order was oral: [xxx Certified copy of Notice of Appeal? YES NO Dates of other Notices: Certified Record supplemental Re on Appeal consisting of: Volumes of pleading, etc.: Volums of transcripts :

The following materials SEALED in this court Order enclosed consisting of:Original papers court files and certified copy of docket entries per USCA request. There was no hering from which a transcript could be made.

Copy of CJA form 20 or District Court Order appointing counsel. The appellate docket fee has been paid? (YES) N.

No.Dated paid: 10/10/89 The appellant has been GRANTED DENIED Leave to appeal in forma paupers and GRANTED DENIED a request for a certificate of probable cause Order enclosed.

The Judge/magistrate appealed from is: Sam C. Pointer,Jr.

The court reporters is are:

This is a DEATH PENALTY Appeal.

Sincerely, CHARLES T. OLIVER, CLERK

by: ----------

Deputy Clerk

Counsel of record.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA

MOTION DOCKET

Birmingham, Alabama
3:30 P.M.-Friday, February 3, 1989

The Honorable Sam C. Pointer, Jr.-Presiding

At the time and place indicated, the motions shown on the attached Motion Docket will be deemed submitted to the Court for decision at that time or at any time thereafter. Counsel shall immediately advise the Clerk's office and opposing parties of any other motions pending in the listed cases that should be ready for submission and decision at the date of the motion docket. Motion in the listed cases filed after preparation of this docket will also be deemed submitted at that time to the Court for decision if served at least 5 days (or, in the case of a motion for summary judgment, at least 10 days) before the date of the motion docket, excluding intermediate Saturdays, Sundays, and federally-recognized legal holidays.

CHARLES T. CLIVER,
Clerk

Directions of the Court:

Pleading: All pleadings, motion,affidavits,and similar documents (other than briefs, requests for oral argument, and requests to present oral testimony) must be filed in the Clerk's office (not in open court) and served on

all adverse parties. Please show names,address, zip, code, and telephone number of counsel filing such document.

Briefs: Any brief, list of authorities,or other written argument in support of, opposition to, any motion should be filed in Judge Pointer's office (not in the Clerk's office) and served on all adverse parties. Any such written argument should be transmitted in such a manner as to be received in Judge Pointer's office (and by other counsel at least 4 days prior to the date of the motion docket.

Oral argument: Written notice of any request to present oral argument should be filed in Judge Pointer's office (not in the Clerk's office) and served on all adverse parties. Any such notice should be transmitted in such a manner as to be received in Judge Pointer's office andby other counsel at least4 days prior to the date of the motion docket.

ORAL TESTIMONY: Written notice of any request to present oral testimony should be filed in Judge Pointer's office (not in the Clerk's office) and served on all adverse parties. Any such notice should be served immediately,and hearing date.

Attendance: Counsel are not required to attend the motion docket. Absence of counsel does not signify abandoment of, or consent to, a motion.

Summary Judgment: Attached are instructions regarding motions for summary judgment. Unless otherwise ordered by the court, pending motions for summary judgment in the cases listed will be taken under submission on the date of the motion docket based on the materials on file with the Clerk as of that date.

Date Mailed: 01/19/89

MOTION DOCKET--Birmingham, Alabama

3 :30 P.M.--Friday 3, 1989

Chief Judge Sam C. Pointer, Jr., Presiding

87-P-2144-S JOSEF VON RINGO ET AL. v. City OF BIRMINGHAM,
P: Henry L. Penick- PENICK, WILLIAMs & Jones
D: Charles H. Wyatt, Jr. -City Attorney's OFFICE

Thomas Bentley, 111- BIRMINGHAM LEGAL DEPARTMENT

01/17/88---Plaintiff's Motion for judgment NOV or in the Alternative, Motion for New Trial

88-P-0411-W CECIL T. KIRKSEY v. E.E.O.C., ET AL.

P: Cecil T. Kirksey

D: Kathleen Oram

Nicholas M. Inzeo - EQUAL EMOLOYMENT OPPORTUNITY

12/29/88---Pltf's motion for reconsideration.

88-P-0448-W JAY ANDERSON ET AL. v. UNIROYAL- GOODRICH TIRE ET AL.

P: John A. Owens,-PHELPS, OWENS, JENKINs, GIBSON

D: Thad long- BRADLEY, ARANT, ROSE & WHITE

Michael D. Mckibben- BRADLEY,ARANT, ROSE, & WHITE,

Sid J. Trant-BRADLEY, WHITE, ROSE,& WHITE

John F. Whitaker-SADLER,SULLIVAN, HERRING & SHARP

Vernor L. Wells, 11- CABANISS, JOHNSTON, GARDNER, DUMAS 01/09/89---Deft Pastor's motions to compel discovery and determine sufficiency of responses.

88-P-0461-W MARIE S. BRODNAX v. DANNY WAYNE EVANS ET al.

P: Jack Drake- DRAKE , KNOWLES & PIERCE

D: Jack J. Hall - MCDANIEL,HALL, CONERLY & LUSK

William J. Donald, RANDALL & DONALD

12/30/88--- Defendant's Motion to Compel

MOTION DOCKET --Birmingham, Alabama
3:30 P.m.--Friday, February 3, 1989
Chief Judge Sam C. POINTER, Jr., Presiding

88-P-0908-S ROGER A. FREDRICKSON v. BELLSOUTH SERVICE

INC.

P: David J. Arendall- ARENDALL & O/kELLEY

D: David P. Whiteside, Jr.- JOHNSTON, BARTON, SWED-LAW, PROCTOR

Paul L. Coulter- BELLSOUTH SERVICES INCORPORATED

12/16/88--- Deft's motion for summary judgment.

01/17/89---Plaintiff's Motion for Leave to Amend Comp-laint

88-P-0923-S CAPITOL WHOLESALE FENCE CO. v. DISCOUNT FENCE, ET AL.

P: A. J. Beck - GORDON, SILBERMAN, WIGGINS & CHILDS

D: Stanley H. LOOSIER

MARGIE LOOSIER

01/10/89---Deft's motion to set aside judgment.

88-P-0996-W RICHARD WAYNE CHANDLER ET AL. v. TUSCALOOSA COUNTY ET AT.

P: Nathan G.Watkins, Jr.- PRUITT& WATKINS

D: Michael D. Smith- LEE, BARRETT, MULLINS, SMITH

01/13/89---Pltfs' motion for partial summary judgment.

88-P-1278-S STEVE SIMS v. UNITED STATES PIPE & FOUNDRY

P: J. William Thomason

D: Scott M. Phelps-BRADLEY, ARANT, ROSE & WHITE

John D. Watson, 111-BRADLEY, ARANT, ROSE & WHITE

John W. Clark, Jr. -CLARK & SCOTT

James B. Kirce, Jr. -STONE, PATTON, KIERCE & KINCAID

12/12/88---Pitf's motion under F.R.Civ.p. 59.

MOTION DOCKET -- Birmingham, Alabama
3:30 P.M.--Friday, February 3, 1989
Chief Judge Sam C. Pointer, Jr., Presiding

88- p- 1353-W TOMMY H. HUBBARD ET AL.v. ROYAL MASTER GRINDERS ET AL

P: Scott Powell- HARE, WYNN, NEWELL & NEWTON

Jack Drake- DRAKE, KNOWLES & PIERCE

D: DE Martenson- HUIE, FERNAMBUCQ & STEWART

Lyman H. Harris- HARRIS, EVANS & DOWNS

Stephen A. Rowe-LANGE, SIMPSON, ROBINSON

Edward B. Mcdonough, Jr.-MCDONOUGH & BROOME

T: William P. Prosch

01/06/89---Pltfs' motion to compel discovery requests filed 10/21/88).

88-P-1454-S BYRON G. MCMATH ET AL. v. VIRGINIA S & S

CORP. ET AL.

P: Charles Clyde Tatum, Jr. - P.O. BOX 349
D: Jack B. Porterfield-PORTERFIELD, SCHOOL, BAINBRIDGE,
William D. Motlow, Jr.-PORTERFIELD, SCHOOL,BAINBRIDGE

Robert P. Fann- CLARK & SCOTT

11/28/88---Sevcon's motion for summary judgment.
12/27/88---Pltf's motion to set aside summary judgment in of Ingersoll.

88-P-1516-S GRIFFIN INDUSTRIES, INC, v. HOLT's MILLING & FEED CO. INC.

P: Curt M. Johnson- BURR & FORMAN
D: Ted L. Mann-SADLER, SULLIVAN, HERRING & SHARP

01/17/89---Pltf's motion for summary judgment.

88-P-1687-W ALBERTINA JACOBS v. UNITED STATES POSTAL SERVICE

P: McCoy Davidson -ROBERTS, DAVIDSON, WIGGINS
01/03/89---Defendant United States Postal Service's Motion to Dismiss or, in the Alternative, Motion for Summary Judgment

88-P-1713-S SHERMAN INTERNATIONAL CORP. v. THE HARDAWAY COMPANY, ET AL.

P: Jonathan E. Lyerly

D: Stanford Blanton-BALCH & BINGHAM

Michael F. McKenna- LEWIS & MCKENNA

12/20/88---Pltf's motion to compel production (request filed 11/14/88).

MOTION DOCKET--Birmingham, Alabama

3:30 P.m.--Friday, February 3, 1989

Chief Judge Sam C. Pointer, Jr., Presiding

88-P-1853-S HENRY C. SMITH v. VETERANS ADMINISTRATION ET AL

P: Melinda L. Denham- GORDON,SILBERMAN, WIGGINS & CHILDS
D: Frank W. Donaldson-UNITED STATES ATTORNEY

James G. GANN, 111-ASSISTANT U.S. ATTORNEY

01/17/89---Defendant's Motion to Strike Jury Demand and Dismiss Veterans Administration as Defendant

88-P-2015-S U.S.F. & G. v. SLC,A JOINT VENTURE,ETC.

P: L. Graves Stiff, 111-STARNES & ATCHISON
D: E. Mabry Rogers-BRADLEY, ARANT, ROSE & WHITE

J. David Dresher- BRADLEY, ARANT, ROSE & WHITE

12/27/88---Deft Streel City's motion to dismiss.

88-P-2066-S LONNIE BELLMER RUPERT v.MACON W. GRAVLEE, JR., ET AL.

P: Lonnie B. Rupert
D: Allen Grocholski- HOLDER, MOORE & GROCHOLSKI

12/ 23/ 88---Deft's motion to dismiss.

88-P-2279-S MARY C. DEAN ET AL. v. SEARS, ROEBUCK & CO.

P: Richard J. Stockham, 111

Bryant A. Whitmire, Jr.

D: Lyman H. Harris-HARRIS, EVANS & DOWNS

12/19/88---Deft's motion to dismiss.

88-P-2294-S CAROLYN A. Wilson v.ZAYRE CORP.

P: Charles W. Gorham- GORHAM , WALDREP, STEWART, KENDRICK

D: JUDY Whaien Evans- HARRIS, EVANS & DOWNS

12/19/88---Deft's motion to dismiss.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISON

LONNIE BELLMER RUPERT,
Plaintiff

-vs.-

MACON W. GRAVLEE, JR.,
LADRUE D. GRAVLEE, AND
NELL B. GRAVLEE,
Defendants.

FILED
89FEB 15 PH 1: 55
N.D. OF ALABAMA
C.T. CLIVER. CLERK

ENTERED
FEB 15
1989

Case NO. 88-P-2066-S
FEB 15 1989

---ORDER---

Plaintiff Lonnie B. Rupert, an Alabama resident, filed the above -styled action on December 6, 1988. This suit apparentiy stems from Rupert's dissatisfact-ION with an earlier suit filed in the Circuit Court O of Fayette County, Alabama. In the state court proceeding commenced on July 18, 1984, Rupert sought intervention to resolve a property dispute with the Gravlees, defendants in this instant action and Alabama residents. Rupert, having not prevailed on defendants' motion for summary judgment, sought and was granted a new trial on January 26, 1987. But, according to Rupert, the case has progressed no further. Plaintiff asserts that his constitutional rights have been violated by the state because of the two-year delay in providing him a trial. This action was filed, claiming a violation of 42 U.S.C. & 1983. Rupert also seeks by

this independant action to have the property dispute "removed" to federal court, together with sanctions against his attorney and against the state court. This cause is now before the court on defendants' motion to dismiss. This cause must be dismissed for failure to state a claim under & 1983. Accordingly, defendants'motion to dismiss is GRANTED. This cause is hereby DISMISSED. Costs are taxed against the plaintiff.

This the 15th day of February, 1989.

United States District Judge

UNITED STASES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
Southern Division

FILED
89MAR-3 AM
11:33
U.S. DISTRICT CO
COURT
N.D. OF ALABAMA
G.T. CLIVER, CLERK

LONNIE BELLMER RUPERT,
Plaintiff;

MACON W. GRAVLEE, JR., ET AL.,
Defendants.

Case No. CV -88-P-
2066-S

ENTERED
MAR 3 1989

ORDER

The plaintiff's motion "to reinstate injunction filed March 2, 1989, is hereby treated as a motion und under FED. R. CIV. P. 59 or 60 and, upon consideration, is hereby DENIED.

This the 3rd day of MARCH, 1989.

United State District Judge

OFFICE OF
Clerk OF THE Court OF Civil APPEALS
STATE OF ALABAMA
MONTGOMERY

RE: CIV. 6992 May 5, 1989

Lonnie B. Rupert vs. Macon W. Gravlee, Jr., et al

Appellant Appellee

YOU are hereby notified that the following indicated action was taken in the above cause by the Court of Civil Appeals:

------Court Reporter granted additional time to file reporter's transcript to and including------Clerk/Register granted additional time to file clerk's record/record on appeal to and including------Appeal------granted 7 additional days to file briefs to and including------

Appellants granted 7 additional days to file reply briefs to and including__ __ Record on Appeal filed on this date.

------Appendix Filed on this date.------Submitted on Briefs.

------Application for rehearing overruled . No opinion written on rehearing ------ Permission to file amicus curiae briefs granted------Rules suspended ------

Transfeffed to the Supreme Court for lack of jurisdiction

A/N xx Motion to dismis will be ruled on after the record is received.

There are insufficient attachedments to determine whether the appeal is timely.

MAILING ADDRESS:

2600 East South Boulevard, Room 250

Montgomery, Alabama 36116

Clerk, Court of Civil Appeals of Alabama

OFFICE OF
CLERK OF THE COURT OF CIVIL APPEALS
STATE OF ALABAMA
MONTGOMERY

Re: CIV. 6992 MAY 11, 1989

Lonnie B. Rupert vs. Macon W. Gravlee, Jr.
Nell B. Gravlee
Ladrue D. Gravlee Appellee

You are hereby notified that the following indicated action was taken in the above cause by the Court of Civil Appeals,

_____Court Reporter granted additional time to file reporter's transcript to and including_____Clerk/Register granted additional time to file clerk's record/record on appeal to and including_____Appeal_____granted 7 additional days to file briefs to and including _____

Appellants granted 7 additional days to file reply briefs to and including _____Record on Appeal filed on this date. Appendix Filed on this date. _____Submitted on Briefs

_____Application for rehearing overruled. No opinion written on rehearing._____permission to file amicus cu riae briefs granted_____Rules suspended

_xx___ Transferred to the Supreme Court for lack of jurisdiction. A/N_____

MAILING ADDRESS:
2600 East South Boulevard, Room 250

BEST AVAILA

LONNIE RUPERT PLAINTIFF, VS. MACON GRAVLEE, JR., LeDRUE GRAVLEE, NELL B. GRAVLEE, DEFENDANTS.	)( )( )( )( )( )( )( )(	IN THE CIRCUIT COURT OF FAYETTE COUNTY, ALABAMA CIVIL ACTION NO. CV-84-050

O R D E R

The Circuit Clerk for Fayette County is Ordered to remo remove from the file those documents that were stamped filed and placed in this courtfile on the 16th day of May, 1990, and the 18th day of June, 1990 in violation of this Court Order dated February 16, 1990.

The said Clerk is Ordered to mail those dockuments along with a copy of this Court's Order dated February 16, 1990, by certified mail to the plaintiff.

The Clerk is further Ordered to seal this file and to not reopen the same unless so Ordered by a Judge having the authority to require this file to be reopened.

DONE this 5th day of July, 1990.

Circuit Judge

FILED
CIRCUIT COURT
JUL 6 1990

BLE COPY

SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, D. C. 20543

June 26, 1990

JOSEPH F. SPANIOL, JR.,
CLERK OF THE COURT

AREA CODE 202
479-3011

MR. Lonnie B. Rupert
212 9th Street NW
Fayette, AL 35555

RE: Lonnie B. Rupert v. Macon W. Gravlee, JR., ET Al.

Dear Mr. RUPERT:

Your papers were received again June 19, 1990 an and are returned, together with your money order in the amount of $300.00, for the reasons set forth in prior letters from this office.

Very truly yours,
JOSEPH F. SPANIOL, JR.,
Clerk

by

Francis J. Lorson
Chief Deputy Clerk

ed
ENC.

SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, D. C.

JOSEPH F. SPANIOL, JR.,
CLERK OF THE COURT

AREA CODE 202
479-3011

JULY 12, 1990

Mr. Lonnie B. Rupert v. Macon W. Gravlee, Jr., et-al.

Your purported petition and money order in the amount of $300.00 were received again July 5, 1990 and are returned for the reasons set forthin my numerous prior letters.

Since you intend to pay the $300.00 docket fee, the petition must be typed on paper which is 6 1/8 by 9 1/4 inches as stated in Rule 33. It may not be hand-printed on letter sized paper.

The orders and opinions of the lower courts must also be retyped on paper the size just referenced. They may not be photoreduced, as clearly stated in Rule 33.

Very truly yours,
JOSEPH F. SPANIOL, JR., Clerk
by

FRANCIS J. LORSON
Chief Deputy Clerk

MAILING ADDRESS:
p.o. Box 157
Montgomery,Alabama 36101

TELEPHONE. 261-4609

OFFICE OF

CLERK OF THE Supreme Court
STATE OF ALABAMA
MONTGOMERY

RE: 88-1050

Lonnie B. Rupert vs. Macon E. Gravlee, et al.
Appellant Appellee

You are hereby notified that the following indicated action was taken in the above cause by the Supreme Court today :

XXX Appeal docketed. Future correspondence should refer to the above number.

_____Court Reporter granted additional time to file reporter's transcript to and including _____Clerk/Register granted additional time to file clerk's record /record on appeal to and including_____Appeal_____ granted 7 additional days to file briefs to and including_____Record on Appeal filed_____Appendix Filed_____Submitted on Briefs_____Petition for Writ of Certiorari denied. No opinion._____

_____Appelication for rehearing overruled. No. opinion written on rehearing._____Permission to file amicus curiae briefs granted

---

5/18/89
rbn

Robert G. Esdale, Clerk
Supreme Court of Alabama

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF ALABAMA

LONNIE B. RUPERT APPELLANT

V.

MACON W. GRAVLEE JR; LADRUE D. GRAVLEE, NELL B. GRAVLEE,

APPELLEE

NOTICE OF APPEAL

Notice is hereby given that the Appellant ask a motion for leave to file such pleading, the Appellant appeal the order of the supreme court of alabama dated 9-6-89, pursuant to 28 u.s.c. 2403 maybe applicable and shall be served upon the Solictor General Department of Justice, Washington, D.C. 20530. As defined by 28 u.s.c. 451 the constitutionality of act of Congress was drawn in question, Appellant does not know whether any such court, pursuant to 28 u.s.c. 2403 has certified to the state Attorney General the fact that the constitutionality of such statute of the state was drawn in question. Grounds for said motion is as follows;

1. Appellant believe that his constitutional rights have been violated the first amendment and maybe the six amendment and section one of the fourteenth amendment to the U.S. Constitution.

2. Attorney for plaintiff may appear for the plaintiff and file Appellate Briefs in Appellant behalf; if He is still protecting the Constitutional Rights of Appellant.

3. All the Grounds in the said numbered cases, CV-84-050 CV-88-1050, case no. 88p-2066-s Should be considered.

4. Copys of Notice of Appeal, and Appellant Brief to the Supreme Court of Civil Appeals of Alabama, and to the U.S. Supreme Court and a copy of a letter from the Clerk of the U.S. Supreme Court is attached, and should be considered.

Certificate of service of the document in question, U.S. Solictor General, State of Alabama Attorney General, the Alabama Supreme Court, the Circuit Court of Fayette, Alabama. The Defendants, Appellees address is Vernon Highway Fayette, Alabama. 35555. Appellant Attorney John H. England,JR; address is 2616 8th, street, Tuscaloosa, Alabama. 35401. With return receipt requested.

Done this 10 dayof OCTOBER 1989.

Lonnie Pippt

Appellant Signiture

DONE: 10-10-89

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENYH CIRCUIT,

Atlanta, Georgia.

Circuit Court OF FAYETTE COUNTY, FAYETTE,ALABAMA

Lonnie B. Rupert Appellant

V.

Macon W. Gravlee,Jr;

Ladrue D. Gravlee,

Nell B. Gravlee, Appellee.

CV-84-050

Alabama Supreme Court,

CV-88-1050

U.S. District Court,

Case No.88-P-2066-S

U.S. Court Of Appeals For The Eleventh Circuit,

No. 89-7776.

Motion For Rehearing,

The Appellant ask for such a Rehearing on Notice of Appeal, Dated, 10-10-89; The intentions of Appellant, was to Appeal the Order of the Supreme Court of Alabama, Dated, 9-6-89, See, 28U.S.C. 2403; maybe Applicable and shall be served upon the Solictor General, Department of Justice, Washington D.C. 20530. As defined by 28 U.S.C. 2403 Has Certified to the Attorney General, the fact that the Constitutionality of such Act of Congress was drawn in question. See: 28 U.S.C. 2403 maybe Applicable and shall be served upon the Alabama State Attorney General, as defined by 28 U.S.C. 451,

Appellant does not know whether any such Court Pursuant to 28U.S.C. 2403 Has Certified to the State Attorney General the fact that tha Constitutionality of such Statute of the State was drawn in question.

Further Grounds for said motion is as follows;

1. As to the Grounds set out in Notice Of Appeals, Numbered, 1. thru 4, maybe Applicable.

2. Attorney has not Entered an Appearance and filed a Brief in No Appeals Court Below on Appellant behalf, He may do so now, if Applicable.

3. As to this Courts Order of JANUARY-25-1990,the Court only Considered a motion for Removial and Injuction a motion for dismissal by Attorney, Allen Grocholski who said the Appellant had a Remedy in the State Court, The U.S. District Court Granted His Dismissal of case, No. 88-P-2066-S, See: Appellant Brief to U.S. Supreme Court,the Grounds from, 1. thru 22, the Appeal is from the Alabama Supreme Court; these Grounds explains what happened;the Appeal to the U.S. District Court shows the appeal is from the Alabama Supreme Court; the Records before the Alabama Supreme Court is different from the Record of the U.S. District Court, unless the Alabama Supreme Court has sent their Records of the Case to U.S. District Court, see;full Records of, CV-84-050,

CV-88-1050, and compare with Case No.88-P-2066-S.

See: Grounds 18 and amendment 7 seven, maybe Applicable by the amendment 14 section 1. to the U.S. Constitution.

See: The Grounds in a motion for Reinstatement of Injunction denied by the U.S. District Court.

4. Copys of Notice of Appeal to the United States District Court; Copys of Notice of Appeal, and Appellant Brief to the Supreme Court of Civil Appeals of Alabama, and to the United States Supreme Court, and a copy of a letter from the Clerk, of the U.S. Supreme Court is enclosed, and should be Considered. The Appellant presented this petition in Good Faith, and not for delay.

Certificate of Service

United States District Court, Northern District of Alabama United States Solictor General, United States Attorney General, the State of Alabama Attorney General, the Alabama Supreme Court, the Circuit Court of Fayette, Ala. the Defendants Appellees, Attorneys, C.M. Holder, and Allen Grocholski, Attorneys,at law, P.O. Box 309 First Bank of Fayette Building, Fayette, Alabama. 35555 Appellant Attorney, John H. England, JR; 2616 8th, Street Tuscaloosa, Alabama. 35401. with Return Receipt Requested.

Done this 30th dayof JANUARY 1990.

Appellant signature.

Date 30th. OF JANUARY 1990.

THE SUPREME COURT OF CIVIL 1.

APPEALS OF ALABAMA

LONNIE B. RUPERT APPELLANT VS.

MACON W. GRAVLEE, Jr; LADRUE D. GRAVLEE,

NELL B. GRAVLEE, APPELLEE

NOTICE OF APPEAL

Notice is hereby given that the Appellant Appeal the order of the Supreme Court Dated-9-6-89. Witness by Clerk -9-8-89. Mailed from Montgomery, Alabama-9-11-89, Appellant received the order-9-12-89 Appellant believe that His Constitutional Rights have been violated The First amendment and maybe the six amendment and section one of the fourteenth amendment to the United States Constitution. Attorney for Plaintiff may appear for the Plaintiff and file Appellate Briefs in Appellant behalf; if He is still protecting the Constitutional Rights of Appellant. All records

that is before this Court should be Certified to the United States Supreme Court,Concerning Appellant.

Grounds for said motion is as follow;

1. Appellant believe the transcript of the full records should be Certified to the United States

Supreme Court and the Attorney Briefs for Appellant.

2. Attached to this motion is a copy of order of the Supreme Court of Alabama Dated -9-6-89. May conflict with the full enforcement of the rights Guaranteed by the U.S. Constitution, the first amendment, and maybe the six amendment and section one of the fourteenth amendment to the U.S. Constitution.

3. There is a showing that Attorney for Appellant or Plaintiff had not filed a Brief by the -6-30-89 mailed from Montgomery, Alabama.
When it reached the Appellant it had to be answered fast to reach the Court by the -7-5-89; from Birmingham, Alabama. Appellant Briefs with a copy of the record was filed -7-3-89.

4. Appellant called the Supreme Court of Alabama the Clerk told Him to file five more briefs and a copy of the record was filed by Certified mailed at Fayette County, Alabama. U.S. Post Office the -8-17-89.

5. if a copy of the Brief for the Circuit Court of Fayette, Alabama; and one was an is needed for the future then one is mailed to that Court before the filing of this appeal, by Certified

mail,Appellant had to file a motion to supplement the Records, the Appellant work on his job is 3 days or seven days,on three days off three days on seven days off seven days,while writing notice of appeal to Supreme Court State of Alabama. This may have delayed the Appellant Brief to the Circuit Court of Fayette, Alabama. Trying to work this type of job and file motions before the Courts, Appellant notice of appeal to the Supreme Court State of Alabama Attorney for Appellant has not shown He will file a Brief, Original and nine copys to U.S. Supreme Court, COPYS of Appellant notice of appeals will be mailed to the Appellees, and Appellant Attorney John H. England, Jr; Address is 2616 8th, Street,Tuscaloosa, Alabama. 35401. with return receipt requested.

Done this 24th dayof sept. 1989.

Appellant signiture

Done: Sept.24th 1989.

BEST AVAILABLE COPY

CLATUS JUNKIN
CIRCUIT JUDGE
COUNTY COURTHOUSE
Fayette,Alabama 35555
205/ 932-3169

LINDA BRASHER
Court Reporter
Fayette,Alabama 35555

205/932- 3678

LINDA DODSON
Secretary

STATE OF ALABAMA
OFFICE OF THE CIRCUIT JUDGE
TWENTY FOURTH JUDICAL CIRCUIT
OF ALABAMA

March 27, 1989

J. E. RENFROE CIRCUIT
Clerk Fayette County
FAyette,Alabama 35555

JAMES E. FloyD
CIRCUIT Clerk
PICKENS County
Carrollton, Alabama
35555

CARL WOODS
Circuit Clerk
Lamar County
Vernon, Alabama 35555

Mr. Lonnie Rupert
212 9th Street, N.W.
Fayette,AL 35555

Dear Mr. Rupert:

The record appears to state that your motion for a new trial was granted on the 3rd day of February, 1987. In fact, what it should say was that the motion was set for hearing on the 3rd day of Febcuary, 1987.

The hearing wae held on the 3rd day of Febcuary, 1987 and no further order was entered. under our rules of proceedure, after ninty (90) days,the motion was deemed to have been denied absent an order to the con - trary.

If I can be of further assistance to you please feel free to get in touch with me.

This Court no longer has any jurisdiction over this matter.

Sincerely,

Clatus Junkin
Circuit Judge

CKJ:ld